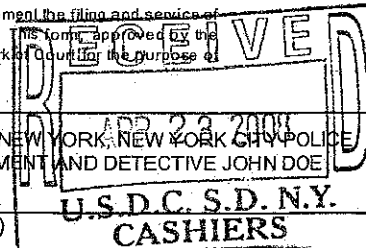


**Judge Hellerstein****08 CV 3848**JS 44C/SDNY  
REV. 12/2005**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.



PLAINTIFFS ZAMIRA CARDENAS

DEFENDANTS CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT AND DETECTIVE JOHN DOE

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

Alan A. Tarzy, Esq. 275 Madison Avenue, Suite 1100,  
New York, NY 10016 (212)370-9000

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

False arrest and unlawful imprisonment resulting in violation of plaintiff's civil rights under 22 USC § 2201, 42 USC § 1981, 1983, 1985, 1986 &amp; 1988.

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY)

**NATURE OF SUIT****ACTIONS UNDER STATUTES**

TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 AGRICULTURE <input type="checkbox"/> 620 FOOD & DRUG <input type="checkbox"/> 625 DRUG RELATED SEIZURE OF PROPERTY <input type="checkbox"/> 630 LIQUOR LAWS <input type="checkbox"/> 640 RR & TRUCK <input type="checkbox"/> 650 AIRLINE REGS <input type="checkbox"/> 660 OCCUPATIONAL SAFETY/HEALTH <input type="checkbox"/> 690 OTHER	<input type="checkbox"/> 422 APPEAL <input type="checkbox"/> 28 USC 158 <input type="checkbox"/> 423 WITHDRAWAL <input type="checkbox"/> 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 COPYRIGHTS <input type="checkbox"/> 830 PATENT <input type="checkbox"/> 840 TRADEMARK  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 MIA (1395FF) <input type="checkbox"/> 862 BLACK LUNG (923) <input type="checkbox"/> 863 DIWC (405(g)) <input type="checkbox"/> 863 DIWW (405(g)) <input type="checkbox"/> 864 SSID TITLE XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 TAXES <input type="checkbox"/> 871 IRS-THIRD PARTY 20 USC 7609
<input type="checkbox"/> 110 INSURANCE <input type="checkbox"/> 120 MARINE <input type="checkbox"/> 130 MILLER ACT <input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT <input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT <input type="checkbox"/> 151 MEDICARE ACT <input type="checkbox"/> 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS) <input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS <input type="checkbox"/> 160 STOCKHOLDERS SUITS <input type="checkbox"/> 190 OTHER CONTRACT <input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY <input type="checkbox"/> 196 FRANCHISE	<input type="checkbox"/> 310 AIRPLANE <input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY <input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER <input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY <input type="checkbox"/> 340 MARINE <input type="checkbox"/> 345 MARINE PRODUCT LIABILITY <input type="checkbox"/> 350 MOTOR VEHICLE <input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY <input type="checkbox"/> 360 OTHER PERSONAL INJURY	<input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE <input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY <input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 OTHER FRAUD <input type="checkbox"/> 371 TRUTH IN LENDING <input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE <input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 422 APPEAL <input type="checkbox"/> 28 USC 158 <input type="checkbox"/> 423 WITHDRAWAL <input type="checkbox"/> 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 COPYRIGHTS <input type="checkbox"/> 830 PATENT <input type="checkbox"/> 840 TRADEMARK  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 MIA (1395FF) <input type="checkbox"/> 862 BLACK LUNG (923) <input type="checkbox"/> 863 DIWC (405(g)) <input type="checkbox"/> 863 DIWW (405(g)) <input type="checkbox"/> 864 SSID TITLE XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 TAXES <input type="checkbox"/> 871 IRS-THIRD PARTY 20 USC 7609	<input type="checkbox"/> 400 STATE REAPPORTIONMENT <input type="checkbox"/> 410 ANTITRUST <input type="checkbox"/> 430 BANKS & BANKING <input type="checkbox"/> 450 COMMERCE/ICC RATES/ETC <input type="checkbox"/> 460 DEPORTATION <input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO) <input type="checkbox"/> 480 CONSUMER CREDIT <input type="checkbox"/> 490 CABLE/SATELLITE TV <input type="checkbox"/> 810 SELECTIVE SERVICE <input type="checkbox"/> 850 SECURITIES/COMMODITIES/EXCHANGE <input type="checkbox"/> 875 CUSTOMER CHALLENGE 12 USC 3410 <input type="checkbox"/> 891 AGRICULTURE ACTS <input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT <input type="checkbox"/> 893 ENVIRONMENTAL MATTERS <input type="checkbox"/> 894 ENERGY ALLOCATION ACT <input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT <input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE <input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES <input type="checkbox"/> 890 OTHER STATUTORY ACTIONS
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>		
<input type="checkbox"/> 210 LAND CONDEMNATION <input type="checkbox"/> 220 FORECLOSURE <input type="checkbox"/> 230 RENT LEASE & EJECTMENT <input type="checkbox"/> 240 TORTS TO LAND <input type="checkbox"/> 246 TORT PRODUCT LIABILITY <input type="checkbox"/> 290 ALL OTHER REAL PROPERTY	<input type="checkbox"/> 441 VOTING <input type="checkbox"/> 442 EMPLOYMENT <input type="checkbox"/> 443 HOUSING ACCOMMODATIONS <input type="checkbox"/> 444 WELFARE <input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - EMPLOYMENT <input type="checkbox"/> 446 AMERICANS WITH DISABILITIES - OTHER <input checked="" type="checkbox"/> 440 OTHER CIVIL RIGHTS	<input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE 28 USC 2255 <input type="checkbox"/> 530 HABEAS CORPUS <input type="checkbox"/> 535 DEATH PENALTY <input type="checkbox"/> 540 MANDAMUS & OTHER <input type="checkbox"/> 550 CIVIL RIGHTS <input type="checkbox"/> 555 PRISON CONDITION		

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ 1,000,000.00 OTHER \_\_\_\_\_

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN *x* IN ONE BOX ONLY)

## ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2a. Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment

AND at least one party is a pro se litigant

(PLACE AN *x* IN ONE BOX ONLY)

## BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☒ 4 DIVERSITY

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1332, 1441)

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] DEF [ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [ ] DEF [ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] DEF [ ]
CITIZEN OF ANOTHER STATE	<input checked="" type="checkbox"/> 2 [ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] <input checked="" type="checkbox"/> 4	FOREIGN NATION	[ ] [ ]

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Zamira Cardenas  
 121 West 15th Street  
 Bayonne, New Jersey 07002  
 County of Hudson

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

City of New York 1 Centre Street New York, NY 10007 County of New York	NYC Police Department 1 Police Plaza New York, NY 10007 County of New York	Detective John Doe Manhattan Midtown South Precinct 357 West 35th Street New York, NY 10001 County of New York
---	---	--

## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE  
(DO NOT check either box if this a PRISONER PETITION.)

DATE SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

RECEIPT #

[ ] NO

☒ YES (DATE ADMITTED Mo. 12 Yr. 1979)  
 Attorney Bar Code # AAT 2437

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge **MAG. DOLINGER** is so Designated.

J Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

ZAMIRA CARDENAS

V.

THE CITY OF NEW YORK, NEW YORK  
CITY POLICE DEPARTMENT and DETECTIVE  
JOHN DOE an unidentified police  
officer employed by the City of New  
York and the NYC Police Department  
in its official and individual  
capacities

CASE NUMBER:

SUMMONS IN A CIVIL ACTION  
08 CV 3848

Judge Hellerstein

TO: (Name and address of Defendant)

CITY OF NEW YORK  
1 Centre Street  
New York, NY 10007

NYC Police Department  
1 Police Plaza  
New York, NY 10007

Detective John Doe  
Manhattan Midtown South  
357 West 35th Street  
New York, NY 10001

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)  
Law Offices of Alan A. Tarzy  
275 Madison Avenue, Suite 1100  
New York, NY 10016

an answer to the complaint which is served on you with this summons, within 30 days after service  
of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you  
for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the  
Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

APR 23 2008

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:  <input type="checkbox"/> Returned unexecuted:  <input type="checkbox"/> Other (specify):		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____  <div style="display: flex; justify-content: space-around; width: 100%;"> <span>Date</span> <span>Signature of Server</span> </div>   <div style="text-align: center; margin-top: 20px;">           _____  <i>Address of Server</i> </div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

udge Helmerstein UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ZAMIRA CARDENAS

08 CV

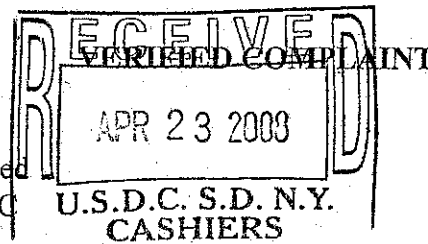
Index No.

3848

Plaintiff(s),

- against -

THE CITY OF NEW YORK, NEW YORK CITY POLICE  
DEPARTMENT and DETECTIVE JOHN DOE an unidentified  
police officer employed by the City of New York and the NYC  
Police Department in its official and individual  
capacities



Defendants.

X

Plaintiff, by her attorney, Alan A. Tarzy, Esq, complaining of the Defendants,  
respectfully alleges, upon information and belief, as follows:

JURISDICTIONAL STATEMENT

1. This action arises under § 1983 and §1981 of Title 42 of the United States Code, the United States Constitution and the Bill of Rights. This Court is vested with Jurisdiction pursuant to §1343(a)(3) and §1331 of Title 28 of the United States Code.

2. This Court is vested with Supplemental Jurisdiction over any and all States causes of action pursuant to §1367 of the United States Code.

3. At all times herein mentioned, Plaintiff was, and still is, as resident of the County of Hudson, State of New Jersey which lies within the District of New Jersey.

4. That at all dates and times mentioned herein, **DETECTIVE "JOHN DOE"**, an unidentified person, was and is a detective-employee of the defendants **CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** (hereinafter **CITY** and **NYPD**) and resides within the State of New York.

5. That at all dates and times mentioned herein, the Defendant, **CITY**, was a municipal corporation duly organized under and by virtue of the laws of the State of New York and employed and still employs **DETECTIVE JOHN DOE**.

6. That at all dates and times mentioned herein, the Defendant, **NYPD**, was a municipal corporation duly organized under and by virtue of the laws of the State of New York.

7. That at all dates and times mentioned herein, the Defendant, **CITY**, maintained its principal place of business in the County of New York, State of New York, which is located in the Southern District of New York.

8. That at all dates and times mentioned herein, the Defendant, **NYPD**, maintained its principal place of business in the County of New York, State of New York, which is located in the Southern District of New York.

#### **STATEMENT OF VENUE**

9. Venue is proper in this action pursuant to 1391(b)(3) of the United States Code, as defendant(s), **CITY and/or NYPD**, maintain its offices in the Southern District of New York.

#### **NOTICE OF CLAIM**

10. That on or about March 13, 2007 the plaintiff duly served upon defendants, **CITY**, a Notice of Claim in writing setting forth the name and post office address of claimant and her attorney, the nature of the claim, the time when, the place where and the manner in which the claim arose and the items of damage or injuries claimed;

11. More than 30 days have elapsed since the demand and/or claim upon



which this action is predicated against the defendant was presented to **CITY** for adjustment and/or payment thereof, and it has neglected and/or refused to make any adjustment and/or payment;

12. That the plaintiff gave testimony at a hearing held on December 20, 2007 by the defendant, **CITY**;

13. That no physical examination of the plaintiff was requested by the defendant, **CITY**;

14. That this action is being commenced within one year and ninety days of the date of the occurrence herein;

#### **STATEMENT OF FACTS**

15. That on January 25, 2007 at or about 2:00 A.M., Plaintiff, **ZAMIRA CARDENAS**, was lawfully and properly at the Scores nightclub, working as a dancer, located at 528 West 28th Street, New York, NY, County of New York, City and State of New York.

16. That on January 25, 2007 at or about the said address, the defendants, **CITY**, its agents, servants and/or employees to wit, **THE POLICE DEPARTMENT OF THE CITY OF NEW YORK and DETECTIVE JOHN DOE**, under the color of State Law, acting pursuant to the policies and practices set by the executive and/or legislative branches of the government of defendant, **CITY**, while engaging in a pattern of behavior condoned and/or permitted by the executive and/or legislative branches of the government of defendant, **CITY**, and while in the furtherance of their duties as police officers, carelessly, recklessly, negligently and without conducting a proper investigation apprehended, arrested and/or took into custody the Plaintiff **ZAMIRA CARDENAS** on prostitution related charges.

17. Subsequent to plaintiff's arrest and/or confinement to a correctional facility, defendant, **CITY**, its agents, servants and/or employees to wit, **THE POLICE DEPARTMENT OF THE CITY OF NEW YORK** publicized the arrest of plaintiff and released details of her arrest to members of the media, including plaintiff's name and address and that charges against plaintiff were related to prostitution.

18. On and after January 25, 2007, details of plaintiff's arrest and her name and address appeared in various media publications and venues.

19. Plaintiff, **ZAMIRA CARDENAS**, sustained serious mental and emotional injuries as a result of the false arrest and imprisonment by the Defendant(s).

**AS AND FOR A FIRST CAUSE OF ACTION ON  
BEHALF OF ZAMIRA CARDENAS**

20. Plaintiff(s) repeat, re-allege and reiterate each and every allegation set forth in Paragraph(s) "1" through "19" as if fully set forth herein.

21. That on January 25, 2007, Defendant(s), **CITY AND NYPD**, by its executive and/or legislative branch of government did violate the civil rights and civil liberties of the Plaintiff, **ZAMIRA CARDENAS**, in violation of Title 42 U.S.C. §1983 and §1981 *et seq.*, the United States Constitution and Bill of Rights.

22. That the above-mentioned violation(s) occurred pursuant to a policy and/or practice, both active and passive, established by the executive and/or legislative branch of the government of Defendant, **CITY**, which directed, encouraged and/or condoned the agents', servants' and/or employees' of the Defendant **NYPD** to falsely and without probable cause or warrant, arrest and imprison the citizens of the State of New York including Plaintiff, **ZAMIRA CARDENAS**.



23. That in addition to the personal injuries, both physical and mental as herein before alleged, the plaintiff was humiliated, suffered emotional injuries and was severely traumatized.

24. That as a result of the injuries aforestated, plaintiff demands compensatory damages.

25. That as a result of the acts of the defendant(s), their agents, servants and/or employees, plaintiff also demands punitive damages and reasonable attorney's fees.

**AS AND FOR A SECOND CAUSE OF ACTION**  
**ON BEHALF OF ZAMIRA CARDENAS**

26. Plaintiff(s) repeat, re-allege and reiterate each and every allegation set forth in Paragraph(s) "1" through "25" as if fully set forth herein.

27. That on January 25, 2007, Defendant, **DETECTIVE JOHN DOE**, while acting under the color of State Law and while in the furtherance of their duties as police officers, acting pursuant to the policies and practices set by the executive and/or legislative branches of the government of their employer, defendant, **CITY and NYPD**, and while engaging in a pattern of behavior condoned and/or permitted by the executive and/or legislative branches of the government of defendant, **CITY**, did knowingly violate the civil rights and civil liberties of the Plaintiff, **ZAMIRA CARDENAS**, in violation of Title 42 U.S.C. §1983 and §1981 *et seq.*, the United States Constitution and Bill of Rights.

28. That the above-mentioned violation(s) occurred while Defendant **DETECTIVE JOHN DOE** was following a policy and/or practice established by the executive and/or legislative branches of the government of their employer, defendant, **CITY and NYPD**, which directed, encouraged and/or condoned the agents', servants' and/or employees' of the

Police Department of the City of New York to falsely and without probable cause or warrant, arrest and imprison the citizens of the State of New York including Plaintiff, **ZAMIRA CARDENAS**.

29. That in addition to the personal injuries, both physical and mental as herein before alleged, the plaintiff was humiliated, suffered emotional injuries and was severely traumatized.

30. That as a result of the injuries, plaintiff demands compensatory damages.

31. That as a result of the acts of the defendant(s), their agents, servants and/or employees, plaintiff also demands punitive damages and reasonable attorney's fees.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**ON BEHALF OF ZAMIRA CARDENAS**

32. Plaintiff, **ZAMIRA CARDENAS**, repeats, re-alleges and reiterates each and every allegation in Paragraphs "1" through "31" as if fully set forth herein.

33. That on January 25, 2007 the defendant(s) **CITY, NYPD and DETECTIVE JOHN DOE**, their agents, servants and/or employees in furtherance of their business as Police Officers and acting within the scope of their employment, falsely and without probable cause or warrant, arrested and imprisoned the Plaintiff, **ZAMIRA CARDENAS**.

34. That as a result of the act of the defendants(s), **CITY, NYPD and DETECTIVE JOHN DOE**, their agents, servants and/or employees, the Plaintiff **ZAMIRA CARDENAS** sustained serious emotional damages as set forth in the first three (3) cause(s) of action and other injuries.

35. That in addition to the personal injuries, both physical and mental as

herein before alleged, the plaintiff was humiliated, suffered emotional injuries and was severely traumatized.

36. That as a result of the injuries, plaintiff demands compensatory damages.

37. That as a result of the acts of the defendant(s), their agents, servants and/or employees, plaintiff also demands punitive damages and reasonable attorney's fees.

**AS AND FOR A FOURTH CAUSE OF ACTION**  
**ON BEHALF OF ZAMIRA CARDENAS**

38. Plaintiff, **ZAMIRA CARDENAS**, repeats, re-alleges and reiterates each and every allegation in Paragraphs "1" through "37" as if fully set forth herein.

39. That on January 25, 2007, the Defendant(s) **CITY, NYPD AND DETECTIVE JOHN DOE**, their agents, servants and/or employees in furtherance of their business as Police Officers and acting within the scope of their employment, carelessly, recklessly, negligently and without proper investigation, falsely and without probable cause or warrant, arrested and imprisoned the Plaintiff, **ZAMIRA CARDENAS**.

40. That as a result of the act of the defendants(s), **CITY, NYPD and DETECTIVE JOHN DOE**, their agents, servants and/or employees, the Plaintiff **ZAMIRA CARDENAS** sustained serious emotional damages as set forth in the above.

41. That in addition to the personal injuries, both physical and mental as herein before alleged, the plaintiff was humiliated, suffered emotional injuries and was severely traumatized.

42. That as a result of the injuries, plaintiff demands compensatory damages.

43. That as a result of the acts of the defendant(s), their agents, servants and/or employees, plaintiff also demands punitive damages and reasonable attorney's fees.

**AS AND FOR A FIFTH CAUSE OF ACTION**  
**ON BEHALF OF ZAMIRA CARDENAS**

44. Plaintiff, **ZAMIRA CARDENAS**, repeats, re-alleges and reiterates each and every allegation in Paragraphs "1" through "43" as if fully set forth herein.

45. That on January 25, 2007, the Defendants, **CITY, NYPD and DETECTIVE JOHN DOE**, conspired to and did violate the civil rights and civil liberties of the Plaintiff, **ZAMIRA CARDENAS** in violation of the statutes, laws, rules and regulations of the State of New York, including but not limited to the New York State Constitution.

46. That the violation of the Plaintiff, **ZAMIRA CARDENAS**' civil rights resulted from the false arrest and imprisonment by the Defendant(s), **CITY, NYPD and DETECTIVE JOHN DOE**, their agents, servants and/or employees of **ZAMIRA CARDENAS** in violation of said law (s).

47. That in addition to the personal injuries, both physical and mental as herein before alleged, the plaintiff was humiliated, suffered emotional injuries and was severely traumatized.

48. That as a result of the injuries, plaintiff demands compensatory damages.

49. That as a result of the acts of the defendant(s), their agents, servants and/or employees, plaintiff also demands punitive damages and reasonable attorney's fees.

**AS AND FOR A SIXTH CAUSE OF ACTION**  
**ON BEHALF OF ZAMIRA CARDENAS**

50. Plaintiff, **ZAMIRA CARDENAS**, repeats, re-alleges and reiterates each and every allegation in Paragraphs "1" through "43" as if fully set forth herein.

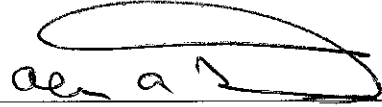
51. That on January 25, 2007, Defendant(s), **CITY, NYPD and DETECTIVE JOHN DOE**, while acting under the color of State Law and while in the furtherance of their duties as police officers, acting pursuant to the policies and practices set by the executive and/or legislative branches of the government of their employer, defendants, **CITY and NYPD**, and while engaging in a pattern of behavior condoned and/or permitted by the executive and/or legislative branches of the government of defendant, **CITY**, did knowingly violate the civil rights and civil liberties of the Plaintiff, **ZAMIRA CARDENAS**, in violation of Title 42 U.S.C. §1983 and §1981 *et seq.*, the United States Constitution and Bill of Rights.

52. That the above-mentioned conspiracy occurred while Defendant **DETECTIVE JOHN DOE** was following a policy and/or practice established by the executive and/or legislative branches of the government of their employer, defendant, **CITY and NYPD** which directed, encouraged and/or condoned the agents', servants' and/or employees's of the Police Department of the City of New York to violently, falsely and without probable cause or warrant, arrest, imprison, assault and batter the citizens of the State of New York, including Plaintiff, **ZAMIRA CARDENAS**.

53. That in addition to the personal injuries, both physical and mental as herein before alleged, the plaintiff was humiliated, suffered emotional injuries and was severely traumatized.

54. That as a result of the injuries, plaintiff demands compensatory damages in an amount to be demanded at trial, but not less than One Million (\$1,000,000.00) Dollars.

Yours, etc.

A handwritten signature in black ink, appearing to read 'Alan A. Tarzy', is written over a horizontal line.

Alan A. Tarzy, Esq. (AAT 2437)  
Law Offices of Alan A. Tarzy  
Attorney for Plaintiff  
275 Madison Avenue, Suite 1100  
New York, New York 10175  
(212) 370-9000

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Docket No.:

JURY DEMAND

-----X  
ZAMIRA CARDENAS

Plaintiff(s),

-against-


THE CITY OF NEW YORK, NEW YORK CITY POLICE  
DEPARTMENT and DETECTIVE JOHN DOE an  
unidentified police officer employed by  
the City of New York and the NYC  
Police Department in its official and  
individual capacities

Defendant(s).  
-----X

**To the above named Defendant(s):**

Please take notice that Plaintiff(s) Demand that all issues in this case  
be tried by a jury.

Dated: New York, New York  
April 22, 2008

  
Alan A. Tarzy, Esq. (AT-2437)  
Law Offices of Alan A. Tarzy  
Attorneys for Plaintiff(s)  
ZAMIRA CARDENAS  
275 Madison Avenue Suite 1100  
New York, New York 10016  
(212) 370-9000

TO:  
THE CITY OF NEW YORK  
1 Centre Street  
New York, NY 10007

NEW YORK CITY POLICE DEPARTMENT  
1 Police Plaza  
New York, NY 10007

DETECTIVE JOHN DOE  
C/O Midtown Manhattan  
South Precinct  
357 West 35th Street  
New York, NY 10001